

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

THE SOUTHERN COMPANY)
EMPLOYEE SAVINGS PLAN,)
Plaintiff/Counter Defendant,)
vs.)
MARY ROBIN COSTA and) Civil Action No. 24-00040-KD-N
BRANDI COSTA NOLEN,)
Defendants/ Counter Claimants,)

BRANDI CHRISTINE NOLEN,)
Third Party Plaintiff,)
v.)
SOUTHERN COMPANY EMPLOYEE)
SAVINGS PLAN COMMITTEE)
SOUTHERN COMPANY SERVICES, INC.,)
Third Party Defendant.)

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation, (doc. 70), to which an objection is made, (doc. 77), the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Third Party Defendant Southern Company Employee Savings Plan Committee's Motion to Dismiss the Amended Third-Party Complaint is **DENIED**.

DONE this 10th day of **January, 2025**.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE